

1901-009 Chancery Causes: C. L. Harbin vs. Henon Jones
Lee Co.

Pursifull, Howard, Taylor, Hubbard, Jackson, Valentine,
Hobbs, Powell, Smith

CA-Debt

T-Property

To the Hon. H. A. W. Skene, Judge of
the Circuit Court of Lee County, Va.

Your orator, C. L. Hobbs, humbly com-
plaining, shows unto your honor that
one Herion Jones is indebted to him in
the sum of \$340⁰⁰ with interest thereon
from Jan'y 11th 1900, due by note filed
herewith as "Ex 1", that said sum is un-
paid, due & payable, no part thereof ever
having been paid, that your orator believes
his claim to be just & that he is entitled to
& ought to recover at the least the said
sum of \$340⁰⁰ with its interest as aforesaid.
The said Jones is not a resident of Virginia
and he has estate in said county of Lee
said state, to wit: two pairs of mules
wagons, flooring & appurtenances, at or near
Dryden, in said county -

Wherefore, being without remedy save in a
court of equity the prayer of your orator is
that Herion Jones be made a party defendant
hereto & be required to answer this bill, but
not on oath, that being waived, that attach-
ment may issue against the estate of
said Jones & he be subjected to the payment
of your orator's said debt, & for such
other, further & general relief as to equity
may seem meet & the nature of his case
may require, your orator will ever pray

or Jones

p. g.

C. L. Harkin

Bill for
attachment

Herion Jones

1900, 1st Sept rules.
Bill filed & pa 2 cents
attachment levied & D.R.
" 2nd Sept rules & D.R.
Conf'd & Cause set for
hearing

November Term 1900
Decree & Continued

March Term 1901 Decree final
Chancery O.B. No 6 Page 486

Plaintiffs Costs
Clerk 4.18
Tax 1.50
Shff 1.00
\$6.68

Defendants Costs
recovered.

Clerk 2.80
Atty 15.00
Comm in Chy 3.00
Co Clerk .25
\$21.05

To the Honorable H.A.W.Skeen, Judge of the Circuit
Court of Lee County, Virginia.

The answer of Henon Jones to a bill exhibited against him in this Honorable Court by C.L. Harbin.

This respondent, saving the benefit of all such exceptions as may be taken or had to said bill, for answer thereto says:

That it is not true that he is indebted to the said Harbin in the sum of \$340.65 with interest thereon from January 11th 1900. It is true, however, that some time in January 1900, (date not remembered) that he executed his promisory note to the said Harbin for the sum of \$340.65.

Respondent and the said Harbin had been partners in a logging contract in the County of Knox and State of Kentucky. Before the same was completed, and after the logs had been snaked, your respondent determined to leave there and the business that had been done, advancements made &c. was calculated up and said note aforesaid was given to evidence the same. The said Harbin was to go on and see that the contract was finished up. There was "retain" of ten cents on each dollar of said contract, held back by the Jones Lumber Company of Williamsburg Kentucky until said contract was completed, which the said Harbin was to collect when said contract was completed and give to your respondent his part thereof. Respondent portion of said "retain" and for which he should have credit on said note aforesaid amounts to the sum of \$190.00, which said sum has been collected by the said Harbin or should have been collected by him, and if he has failed to collect the same it is the result of his own fault and negligence. Said Harbin is also indebted to this respondent in the sum of \$25.00 for board, which said sums amounting in the aggregate to \$215.00 he is ready and willing and hereby offers to off-set against an equal amount of the plaintiff's demand against him.

Your respondent emphatically denies the allegation that he is not a resident of the State of Virginia, but on the contrary respondent states that he is a resident of the State of Virginia, that he resides at Dryden in the County of Lee, that he was residing there at

the time the process in this suit was issued against and served upon him, that he has resided in the State of Virginia ever since the 23rd day of October, 1899, and it ^{is} respondents purpose to continue a resident of this State. He has registered here as a voter, and purposes remaining a citizen of this State.

Respondent denies that he is the owner of the two pairs of mules wagons, gearing and appurtenances charged in said bill, or any part thereof. The large pair of mules with their gearing and the wagon to which they usually work is the property of H.H.Jones, a brother of this respondent, who bought them from this respondent for the sum of \$225.00 on the 27th day of June, 1899. The said H.H.Jones had a mortgage on said mules ^{and some other property} for \$360.00 dated on the 1st day of December, 1898, which said mortgage was recorded in the Clerk's office, or lodged for record in said clerk's office, in Bell County Kentucky on June 5th, 1899. In settlement of said mortgage respondent turned over to his said brother said mules, harness and wagon and lifted the mortgage, the mules being the last payment thereon, and since that time your respondent has hired said mules, harness and wagon from his said brother. An examination of the Assessor's Books will show that the said H.H.Jones listed said mules for taxation to E.S.Stout the Commissioner of the Revenue, which listing aforesaid was done in about the month of May, 1900. An examination of said books will further show that at the same time said Commissioner assessed your respondent as a citizen and taxpayer of the County of Lee.

Your respondent will now further show your Honor that the other pair of mules ^{Wagon & Harness} mentioned in said bill, and described in the levy as two smaller black horse mules, are the property of respondents wife, Mollie Jones, and have been hers ever since respondent and said Mollie were married. Respondent has no interest whatever in said mules, wagons or gearing, or any or either of them, one set belonging to the said H.H.Jones and the other to the said Mollie Jones, and respondent in ~~any~~ ^{no} way colluded with either one of them, but states the facts truly as to the ownership of said property.

And now having fully answered said bill, respondent prays to be hence dismissed with his costs.

W. T. Bureau
L. C. Hall *Attys for Deft*

Heuon Jones
ads. { answer
C. L. Harbin

1900. ~~28~~ Sept filed
A B Munsey Clerk

C.L.Harbin

Vs.

Henon Jones.

On the calling of this case it was announced that the plaintiff, C.L.Harbin, had failed to comply with the order made in this cause at the last term of this Court requiring him to execute bond with security for the costs had or might be incurred in said cause. On consideration of which said cause is dismissed; and it is adjudged ordred and decreed that the defendant Henon Jones recover of the plaintiff C.L.Harbin the costs of this Suit to be taxed by the Clerk, for which execution may issue. And the casue is stricken from the docket.

C. L. Harbin
vs. { Deere final,
Huron Jones
Entered on Chy C. B.
No 6 Page 486

Enter this decree
March 4th 1901.
H a w s k i n d

L L Horbin

75

Human Jones.

Upon the calling of this cause
the Defendant suggested that the Plaintiff
is a non resident of this state, and re-
quired that give security for costs.
On consideration, of which the defend-
ant is required to execute bond in the
sum of \$100.00 conditioned according
to law: and he is given 60 days within
which to execute said bond, or other-
wise to ~~dismiss~~ said cause to be
dismissed. And this cause is
continued.

b. L. Hordine

no. 5. Decem

3
Huron Jones

Entered O.B. 6 P 473

enter this

H, A, W, Shen

Nov 15th 1910

The deposition of Henon Jones taken, pursuant to agreement, at the Office of C.T. Duncan in the Town of Jonesville, on the 31st day of October 1900, before me H.L. Woodward a commissioner in chancery for the Circuit court of Lee County, to be read as evidence on behalf of the defendant in a chancery cause pending in said court in which C.L. Harbin is plaintiff and the said Henon Jones is defendant:

Present: James W. Orr attorney for Plaintiff x

C.T. Duncan " " Defendant.

Henon Jones a witness of lawful age being first duly sworn deposes and says:

Ques. 1. State your age, residence and occupation?

Ans. I am 30 years old, reside at Dryden Lee county Va. I sometimes farm and sometimes hauling, at present I am engaged in hauling and have been so engaged for the last three years mostly.

Ques. 2. How long have you resided at Dryden?

A.-- I have been there a little over ten months.

Q. 3.-- Where did you reside next before you came to Dryden?

A.-- At Kelley View in Wise County, Virginia, and before I went to Kelley View I resided in Bell County Kentucky.

Q. 4.-- Please state if you were assessed for taxation in Lee County Virginia for the year 1900

A.-- I was assessed.

Obj.-- The foregoing question and the answer thereto is objected to at the first opportunity, because irrelevant, immaterial and inadmissible, and because this is not the best evidence.

J.W. Orr, for plff.

Q. 5.-- By whom was you assessed?

Obj.-- Objected to for the same reason as above

J.W. Orr.

A.-- ~~Yes~~. By Mr. Stout, I do not know his initial. He is a one armed man.

Q. 6.-- When was this assessment made?

Obj.-- Objected to for the same reasons as above.

J.W. Orr.

A.-- I think it was in May.

Q. 7.-- In this case I notice that the attachment is returned executed

by levying on two large black mare mules, and two smaller black horse mules and two wagons known as lumber wagons and gearing and harness for all four of said mules, Please state whether or not said property or any part of it is yours and if not state to whom it belongs?

A.-- No part of said property or all of belongs to me. The two large black mare mules belongs to Hiram Jones, my brother, the two smaller black horse mules belong to my wife, Mollie Jones. One wagon and one set of the harness belong to my brother Hiram Jones, the other wagon and set of harness belong to my wife Mollie Jones.

Q.8.-- In this suit, the plaintiff, Mr. Harbin claims that you are indebted to him in the sum of \$340.65, with interest thereon from January 11th, 1900. Please state whether or not you are indebted to him in that sum, and if not, to what extent are you indebted to him

A.-- I do not owe him \$340.65. I can't tell the exact sum in which I am indebted to him until a matter of "retain" on logs hauled is settled between us, and Mr. Harbin also owes me a board bill for hands of his boarded by me, amount to \$25.00, which should likewise be credited on said note. Mr. Harbin told me that the "retain" was \$190.00. The balance of the note after applying these two credits is due and owing to Mr. Harbin.

Obj.-- The foregoing answer is excepted to because the defendant admits the execution of the note sued on and if the off-sets claimed occurred prior to the execution of the note he cannot claim them against said note in the present state of the pleadings.

J.W.Orr,

Q.9.-- Where does your wife, the said Mollie Jones reside?

A.-- Dryden, Lee County, Virginia.

Q.10.-- Please state if the pair of mules, which you have stated as belonging to her and the wagon stated as belonging to her, was given in by her and is assessed to her for taxation for the year 1900.

Obj.-- Excepted to because immaterial, and inadmissible because there is or should be better evidence.

J.W.Orr.

A.-- Yes, they were given in and are assessed and the same is on page 33 of the book for Yokum Station District, E.S. Stout Commissioner, and on line five of said page of said book, and I file herewith a transcript from said book showing the assessment of the said Mollie

and also a transcript, showing my own assessment.

Obj.-- Except to because the transcript ^{filed} ~~xxxxxx~~ do not show the assessment of this defendant.

J.W.Orr,

Q.11.-- Is there a man living in Dryden by the name of Herman Jones?

A.-- There is not.

Q.12.-- On the 22nd day of August, 1900, where did you reside and where was your home?

A.-- Dryden Lee County Virginia, and that was my home.

Q.13.-- At that time had you any purpose or intention of changing your residence from the state of Virginia?

A.-- I did not.

Q.14.-- You state in answer to a question heretofore propounded to you that the two larger mules mentioned in said levy of said attachment were the property of your brother Hiram Jones. When did they become his property and from whom did he purchase them?

A.-- They became his June the 27th 1899. He got them from me. Before that time and on the 1st day of ~~xxx~~ December, 1898, I was indebted to my brother Hiram Jones in the sum of \$350.00 for borrowed money and on that day I executed to him my note and in said note I gave him a lien upon said mules together with certain other property mentioned therein to secure payment of the same. On this debt I paid to my brother \$60.00 in cash which payment was made one or two month before the 27th of June 1899, and on that day turned over to him the mules and their harness and the wagon that they were working to at the price of \$225.00. The balance of said mortgage is still due to him. I file said note or mortgage herewith as part of my deposition marked "X".

Obj.-- The foregoing answer is ~~excepted~~ to so far as the same is intended to show a lien upon the property mentioned, because the same as never been recorded, and is excepted to for any purpose because it is evident from the face of the paper that the date of the same has been erased and changed, and because the property has remained in the possession of the plaintiff.

J.W.Orr.

Q.15.-- How came you in possession of said mules and wagon after you sold them to your brother, Hiram Jones?

working
A.-- My brother was ~~breaking~~ for the L. & N. Railroad company as a breakman, and I got his mules to work with them and give him half of their earnings. The man he had driving said mules for him got crippled by the turning over of the wagon on him and I then took them to work on the shares as above stated. My brother was making more as a breakman then he could make with a team, even if he could have worked them, but he had no experience with horses.

Q.16.-- It is said in some of the depositions taken by the plaintiff in this case that you some time last summer were talking about selling or offering to sell one pair of the mules attached on. Please state all about that.

A.-- I told George Pennington at one time that I was going to sell at that time I was hauling lumber for him at \$1.50 per 1000 and I wanted him to pay me \$1.75 per 1000 and was doing this to try to scare him up to give me that price. I met on one occasion Mr. Richmond there near Dryden, coming up the hill from the river, and he asked me what I would take for the big pair of mules. I told him they were no mine that they belonged to my brother and I guessed he would want \$335.00 for them. I told him that I would write and find out what he could get them for, and he told me he would come down and look at them, but he never came and I did not write to my brother anything about it. This was some time last Summer, but I do not remember the time.

Obj.-- Excepted to because this conversation occurred after the plaintiff's note had been placed in the hands of his attorney for collection and presented to aid Jones for payment and any talk by the defendant in reference to the ownership of the mules is self-serving and inadmissible.

Q.17.-- Did these conversations between you and Mr. Richmond and Mr. Pennington occur before or after the first attachment was sued out in this case?

A.-- It was before the attachment was sued out, but I can't state what length of time it was.

Q.18.-- Please state whether or not the plaintiff in this case, Mr. Harbin, tried to get you to leave Virginia and what answer you made to him?

Obj.-- Objected to because question fixes no time and place.
J.W.Orr.

A.-- He did try to get me to leave Virginia. He came Dryden after Mr. Coldiron served the first attachment. Mr. Coldiron asked me to go down and try to settle with Mr. Harbin. I went down to where he was, and I asked him if we couldn't settle it some way and stop the attachment, and he told me yes if I would get up and load my wagon and go with him next morning to Clay County Kentucky to work for him. I told him that I could not go, that I owed about \$40.00 there in Dryden. He said that didn't make any difference I could go anyway that they couldn't make anything out of me. I told him if he would give me two weeks to pay what I owed there in Dryden that I would go with him and work for him, and he could pay me what it took to support my family and give me credit for the balance. He would not agree to it, and said he would not do it unless I would go in the morning.

Cross Examination.

X.Q.1.-- When was the first attachment spoken of by you, levied on the property mentioned?

Obj.-- Objected to because the endorsement of the levy on said attachment is the best evidence of the fact of the levy and the date thereof.

C.T.Duncan.

A.-- I cannot give the date. ~~Xx~~ It was some time in July and after I came back from Pineville, on the 4th of July.

X.Q.3.-- You state in your deposition in answer to question 17 that your conversations with Mr. Richmond~~x~~ and Mr. Pennington in reference to a sale of the big pair of mules was before the first attachment was sued out, now were these conversations after James W. Orr of counsel for the plaintiff had presented the note sued on for payment to you at Dryden, Virginia?

Obj.-- Objected to because there is no evidence that the said Orr ever did present the note for ~~collection~~ payment.

C.T.Duncan.

A.-- The conversation with Geo. Pennington was before the presentation of said note, but as to the conversation with Mr. Richmond I can't say.

The conversation between Mr. Richomnd and myself was before the 4th of July, 1900.

X.Q.3.-- You say the plaintiff tried to get you to leave Virginia. Who was present during that conversation?

A.-- Mr. Coldiron walked around behind the house where we were talking while the conversation was going on.

X.Q.4.-- Did not Mr. Harbin try to get you to go back to Kentucky and work for him to pay what you owed him, and did he not propose that if you would do so that he would help you pay your debts in Dryden?

A.-- He ~~xxxx~~ did try to get me to go back there and work for him, and he said I could send the money back and pay my debts. He did not say he was going to help me pay the debts.

X.Q.5.-- Has it not been your intention to go back to Kentucky to your father's and did you not tell several persons in Dryden Va. that that was your intention, and that you expected to go back this fall, or early in the winter?

A.-- It has not been my intention to go back to Kentucky. I did so talk to Geo. Pennington, James Orr but I did not fix any time. ~~xxxxid
notTaylorColdironKencerkettssallxandxoutxandxleave~~

X.Q.6.-- Have you not so talked with others?

Obj.-- Objected to because the persons nor place nor time when said talks were had are not mentioned.

C.T. Duncan.

A.-- I don't remember, I may have done so and I may have not.

X.Q.7.-- If you had no intention of going back to Kentucky why did you talk in that way?

A.-- I had nothing else to talk about I reckon.

X.Q.8.-- You say the small mules are assessed to your wife, who are the large mules assessed to?

A.-- I don't know whether they are on the assor's book or not. Mr. Stout asked me whose they were, and told they were my brother, F. I. Jones'. He took down the name and said he did not know whether he ought to assess them or not, and that he would ask somebody about it that knew.

X.Q.9.-- You claim that you was assessed by the Commissioner of the

Revinue for taxes in this County for the present year. If you were so assessed, what personal property did you give in?

A.-- I did not give in any, I had none to give in.

X.Q.10.-- Did you not have some household and kitchen furniture, chickens and f.c.

A.-- I don't know who you would say it belonged to, my wife, Mollie Jones paid for it, I reckon it belongs to her. I have no chickens.

X.Q.11.-- When and where were you married, and what was you wife's name before you married her.

A.-- I was married in Knox County, Kentucky the 28th day of June 1899. My wife's name was Mollie Dosier, this is the name she went by, and the name in which the license were issued.

X.Q.12.-- How long have you had the two pairs of mules and wagon and harness in your possession and been using the same?

A.-- I have had the small ones since the fall of 1899. I had the large mules in my possession since I sold them to my brother since last October. I ~~had~~ owned these mules and delivered them to my brother on the 27th day of June 1899.

X.Q.13.-- You say you had been useing the large mules since then on the shares with your brother. Have you accounted to him for his share for the use of the mules?

A.-- I have been paying him along, but there is some ~~right taking~~ due for work done right lately.

X.Q.14.-- When did you and the plaintiff enter into the log contract in which the "retain" arose about which you have testified?

A.-- I cannot state the date when Harbin bought my partner Mr. Byrd.

X.Q.15.-- Can't you approximate or state something near the time?

A.-- About seven or eight months before the note was executed.

X.Q.16.-- Was the contract between you and Mr Byrd or the firm of Byrd and Jones with the Jones Lumber Co. of Williamsburg Ky. in reference to said logs, in writing?

A.-- It was.

Obj.-- All the foregoing statements by the witness in regard to the "retain" of ten cents on each dollar of said logging contract of Byrd & Jones with the Jones Lumber Co. is excpeted to because said contract

is in writing and is the best evidence and is not produced in evidence.

J.W.Orr, for plff.

And further this deponent saith not.

Henon Jones

Virginia, Lee County, to-wit:

I, I.L.Woodward, a Commissioner in chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing deposition of Henon Jones was taken sworn to and subscribed before me at the time and place and for the purpose in the caption mentioned.

Given under my hand this the 31st day of October, 1900.

I. L. Woodward
Commissioner in chancery.

Huon Jones

ads }

C. L. Harbice

Deposition of
Huon Jones.

Received from H. L.
Woodward the Court in
Chancery before whom
taken & filed Nov 1st 1900
A. B. Munsey Clerk.

Court fee 4 hrs \$3.00

The depositions of J. J. Pursifull
George Howard. J L Taylor

taken at the Office of E. R. Coone U.P.
Flat Lick Knox Co. Ky. on the 12th
day of October 1900. Between the hours of
9.30. o'clock A.M. ^{and} 1 o'clock P.M. to be
read as evidence in behalf of C. L.
Harbin in a certain suit in chancery
now pending in the Circuit Court
of Lee Co Va., where in the said -
Harbin is Plaintiff ^{and} Henson Jones
is defendant. Present. C. L. Harbin
Plff. ^{vs} Henson Jones Deff. - The
said J. J. Pursifull a witness of
lawful age being first duly sworn
deposes ^{and} says -

Ques What is your age. residence ^{and} occupation.

Ans am 43 year old. am in mdse. lumber
^{and} slave business

Ques are you acquainted with both parties in
this suit.

Ans Yes sir

How long have you been acquainted with
the parties -

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ans. with Mr Starbin about 10 years.
And with Mr Henon Jones about two
Years ago.

Ques Did you every at any time employ
Mr Jones. to do some logging.

ans I did for Mr Sprinkle and myself

Ques Where was that logging done

ans He did not do any of the logging
that I know of but hauled lumber

Ques You had a conversation in regard to
the hauling in Va -

ans Yes Sir.

Ques Now in that conversation did
he say any thing in regard to
making it his home there

ans I dont remember of any conversation
made to that affect.

Ques. Did You tell him in that
Conversation how long it would
take to do the work

Ans I might have Told him how long I thought it would take to do the work

Ques- you dont remember how long you thought it would take to do the work

Ans I counted on a two years job

Ques Did he have any property at the time you employed him to go there.

Ans I dont know what he had. but claimed to have two pair of mules-

Ques Did he have any other property

Ans He claimed to have a mare

Ques- did you advance him any money about the time he was to start or go to do that work

Ans I dont remember of advancing him any money

Ques did he offer you any time to mortgage any of that property at any time

Ans I think he proposed to mortgage a pair of mules to me - to go on a note with him to get a pair of mules released that Reese had a Mortgage on.

Ques did you go on the note

Ans Yes sir

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Ques Did he claim the two mules as his
own that he ^{wanted} to mortgage -

ans I dont dont know that he made
any distinction between the two mules
that he had mortgaged or ~~had~~ the
one he did not have mortgaged.

Ques do you know where Mr Jones lives
at that time.

ans no I didnt know where he lived
at that time.

J. J. Pursifull

The Deposition of George Howard

Ques. - what your age - residence ^{and} occupation.

ans. - 29 years. on Straight Creek. in Bell Co Ky
am a farmer.

Ques. do you know Hannon Jones.

ans. Yes sir

Ques. How long

ans. Have know him for 15 years.

Ques. How long have you know C L Harbin

ans. Yesterday is the first time I remember meeting him.

Ques. did you ever buy any cattle at any time from Mr Hannon Jones

ans. Yes. I bought a couple Yoke from him last fall

Ques. what did you pay him for them

ans. One Hundred and Eighty Dollars

Ques. were they ^{the} same cattle he brought from Knox Co Ky

ans. I cant state if they were the same or not

Ques. do you know from general rumor of the country where he got the Cattle.

ans. I do not

Ques. did he claim the Cattle as his own that he sold to you

ans. Yes sir

Ques. did he tell you for ^{what} purpose he sold the Cattle

Ans. He wanted to sell the Cattle to
buy a pair of mules.

Ques. Did he buy the mules;

Ans. Yes.

Ques. Did he own any other property?

Ans. Not that I know of.

Ques. Was that, all the mules or horse property
he had up there?

Ans. He looked another pair of mules;
he also had a mare.

Ques. Did he claim her as his own.

Ans. I could not state whether she was his
or not.

Ques. You know where he claimed his home?
In what State?

Ans. Yes, In Bell County Kentucky.
At that time,

Deposition of George Howard,
continued.

"Cross Examined."

Ques. How do you know that, "Left,"
bought the mules.

Ans. I do not know for certain that he
bought the mules. I do know he
had the mules in his possession at
that time.

Ques. You don't know that the mules
are his?

Ans. I do not.

Ques. Did you ever hear any body say
that the mules belonged to any
body else?

Ans. No sir I did not.

Deposition George Howard.

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Deposition of J. L. Taylor

Ques. What is your age?

Ans. About 24 year old

Ques. Where do you live?

Ans. In Knox County Ky.

Ques. What is your occupation?

Ans. Farmer.

Ques. Are you acquainted with
C. L. Herbin, Hannon Jones?

Ans. Yes.

Ques. How long have you known them?

Ans. Some two or three years.

Ques. Did you ever know of

Hannon Jones claiming any
property?

Ans. Yes.

Ques. State if you know; what kind of
property that, was.

Ans. He claimed two mules and a mare.

Ques. Do you know where he got this
property?

Ans. He said he got the mare from
Lewis Bird.

Ques. Where did he get the mules?

Ans. He got one of them, he said from
Richard Williamson; I do not know
where he got the other.

C. L. Harbin
vs } Depositions

Henson Jones

Received by mail in
good condition & filed
Oct 13th 1900.

ARB Munsey clk

C. L. Harbin
vs } Depositions
Hannon Jones

Received by mail, in
good condition, filed
Oct 13th 1900.

A. B. Munsey
Clerk



The depositions of Ap. Hubbard, S. F. Jackson,
Andrew Hubbard John Valentine, Noah
Stobbs. Lons Powell, John Smith.

taken at the store house of A. D. Smith
at Eras Post office Wey County Kentucky
between the hours of 8 o'clock A.M. and
5 o'clock P.M. pursuant to the annexed
notice to be read as evidence in behalf
of C. L. Harbin in a certain action in
Chancery now pending in the circuit of
Lee County v. a. Wherein the said C. L.
Harbin is Plaintiff and Henry Jones
is defendant. The said Lons Powell after
being duly sworn and being a witness
of lawful age, deposes as follows and
says.

(Q¹). Please state your age residence and
occupation?

(A) I am 40 yrs old reside in Wey Co Ky
and am a farmer by occupation.

(Q²) Are you acquainted with C. L. Harbin
and Henry Jones the P. & D. in this action?

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(A²) I am acquainted with them both.

(Q³) How long have you been acquainted with them?

(A.) I have been acquainted with Jeff about ten months and with Deft. about one year.

(Q⁴) Do you know what the defendant Henry Jones followed for a occupation when you first became acquainted with him.

(A) Yes. He was working at logs over on the Acorn Fork of Stinking Creek in Knox Co Ky.

(Q⁵) Did you have a conversation with Jones while logging on said Acorn fork or about the time he left there?

(A) Yes I had a little conversation with Henry Jones there in the road.

(Q⁶) Please tell what said Jones said to

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in that conversation.

A) I asked him if he was done logging up there? and he said done or not done that he was quitting anyhow.

Q) Did he (Jones) say any thing else in that conversation.

A) No sir he did not.

Q) Do you remember of Henry Jones buying a mile from Rich Williamson while logging on said Acorn farm?

A) No sir I dont know for certain that he did.

Q) Do you know where Jones claimed his home to be at that time?

A) No sir I dont know for certain where he claimed it at at that time. I never heard him say

that ~~the~~ ^{his} ~~man~~ ^{mark} Thomas ^{his} ~~mark~~ ^{mark} parwell

Also the deposition of John Smith taken at the same time and place and for the same purpose stated in the caption who after he duly sworn deposes and says

Q¹) What is your age residence and occupation.

A. I am 37 yrs old reside in Clay Co Ky and am a farmer by occupation.

Q²) Are you acquainted with the Plff. and Deft. in this action? and how long have you been acquainted them?

A. I am acquainted with them both, and been acquainted with Deft. about two years and with Plff. about three years.

Q³) Do you know what the Deft's occupation were during your acquaintance with him?

A. Yes he was a logging

Q⁴) Where was he logging?

Q³) Am known to be on Shubley Creek.

Q⁵) Did the Deft. Henry Jones have any stock while logging on said creek?

A) Yes sir he claimed some stock.

Q⁶) What kind of stock was it?

A) It was two mules, and part of a steer team of cattle, also one mare

Q⁷) Did you work for said Jones while logging on said creek?

A) Yes sir, I cut four hundred poplar trees for Henry Jones and C.B. Bird.

Q⁸) Did he pay you for said work?

A) Yes sir.

Q⁹) How did he pay you?

A) He gave me an order to C.A. Hartin's store.

Q¹⁰) Did Harbin pay off the order?
 A) yes sir,

Q¹¹) Do you know of C. S. Harbin furnishing
 Amos Jones with any other goods or
 in any way assisting him in the logging
 job?

A) yes he got goods when he wanted
 them,

Q¹²) Did you ever have a conversation
 with Amos Jones in which he talked
 of his dealings with C. S. Harbin?

A) No sir I never did,

Q¹³) Do you know where he claimed his home
 to be?

A) I heard him say that he claimed his
 home up above Pineville, Bell Co., Ky.

Q¹⁴) Was Amos Jones a married at the
~~at the time~~ time he came to the Acorn farm
 in Knox Co. Ky?

A) He claimed that he was a single man,

is all I know about it.

Q¹⁵) Do you know any thing about Simon Jones and C. L. Harbin hiring A. P. Hubbard to finish a logging job on Acorn Farm in which they were partners?

A) I heard A. P. Hubbard say that they (Jones & Harbin) had hired him to finish up the job of logging.

Q¹⁶) Do you know of A. P. Hubbard buying a yoke of Cattle from C. L. Harbin?

A) Yes sir.

Q¹⁷) Do you know for what purpose he bought said Cattle?

A) Yes sir I know what he said he was buying them for.

Q¹⁸) So a head and tell all that was said in your presence about said Cattle?

A) Hubbard said he was buying the Cattle to finish up the logging job of Jones & Bird on the acorn Farm.

Q¹⁹) Do you know about Heron Jones and C. L. Harbin being partners in said logging job?

A) yes I heard Harbin say that he had bought Bird out.

Q²⁰) Were the logs that A. P. Hubbard put in the same logs that was owned by Jones & Harbin?

A) A. P. Hubbard said that they were the same logs.

Q²¹) Did Heron Jones leave the Acorn Fork before all of said logs were put in the splash dam?

A) yes sir.

Q²²) John, did you hear C. L. Harbin tell A. P. Hubbard that he wanted to sell him the cattle to pay for putting ⁱⁿ the logs left there by Harbin & Jones?

A) Harbin told Hubbard that he would sell him the cattle to finish up the logging job of Harbin & Jones.

Cross examined by Henry Jones.

Q²³) Did Henry Jones Farm any while on the Acorn Farm?

A) He made a crop during the time he was logging over there?

Q²⁴) Now the cattle you spoke of in Q.6 do you know if Henry Jones sold any of them to Harbin?

A) I don't remember.

Attest H. H. Farmer, John ^{his} Smith
mark

Time being 5 O. Clock ^{PM} the taking of the depositions in this action is hereby adjourned ^{from the 9th day at 5 o'clock PM} till 7 O. Clock October 10-1900

H. H. Farmer Examiner for Clay Co.

I H. H. Farmer examiner for Clay County Kentucky do hereby certify that foregoing depositions of John Smith and Sam Powell were duly taken subscribed and sworn to before me at the time and place and for the purpose stated in the caption mentioned pursuant to the annexed notice

Given under my hand this 9th day of Oct.

1900

H. H. Farmer Examiner for Clay Co.

10

The deposition of John Valentine A.D. Smith
Emley Smith Carby Smith A.P. Hubbard

taken at the store house of A.D. Smith
at Erro Post office Clay County Kentucky
on the 10th day of October 1900 between the
hours of 8 A.M. and 5 P.M. pursuant to
an adjournment from the 9th day of October
1900. to be read as evidence in behalf of
C. L. Harbin in a certain suit in chancery
now pending in the circuit Court of Lee County
Va. wherein the said C. L. Harbin is Plff.
and Herson Jones is Deft, the said John
Valentine a witness of lawful age and be-
ing first duly sworn deposes and says.

Q) What is your age residence and occupation?
A) I am 41 years ^{old}, reside in Knox Co. Ky. and am
a farmer by occupation.

I am acquainted with the Plff and Deft,
in this action. I have been acquainted
with them about three years. I worked at
logs for the Def. Jones and he paid me part
money and part he gave me ardu to C. L. Harbin

and Mr Harbin paid off the orders in goods. being a retail merchant at that time.

During the time I worked for Jones Harbin let him have corn and any thing he wanted in the store. The Deft. Jones while logging on the Acorn Farm and during the time he was getting the goods & corn. he claimed two mules (large. man mules.) one mare and some waro cattle. And Mr Harbin let Jones have the good & corn. with the understanding that the property above named was subject to execution. Jones being an. unmarried man at that time

I heard Mr Jones say that Harbin had been as good as a brother to him and, that he intended to pay Harbin if it took every thing he had.

I am acquainted with Mallie Jones the wife of Deft. Jones. both before and after her marriage with Jones. I never knew of her owning any property of any kind. Mr Benson Jones owned the mare above mentioned before he married Mallie. at the time he married this woman Mallie I dont know whether she had any means

of buying property or not. I don't know for certain whether they (Jones & Mollie) were married or not, only from what the people said about it. The people said that they were married. Mr Henon Jones claimed his home at the time I was working for him to be in Bell County Kentucky.

While I was working for Jones Mollie the woman above mentioned came to where Jones was logging she was riding a mare and the same one Henon Jones claimed. The mare was kept by Jones a part of the time and a part by Mollie.

Cross examined by H. Jones.

Q¹/ Mr Valentine how do you know that Harbin let Jones have the goods & come with the understanding that said property was subject to execution?

A/ By the general rumor of the country.

Q²/ Please tell some of the parties whom you heard talking about this matter.

A/ Mr C. S. Harbin himself. I don't remember any others.

Q) Do you know whether or not the property claimed by Jones was subject to execution?
 A) No sir.

Q How do you know the Henry Jones owned the mare above mentioned?
 A Just rumor of the country.

Q Did you not hear Henry Jones say at Jamesville Va. that he had sold the mare to Mallie for cooking for him 12 months?

A) Yes & heard him say that.

Q Was you working for Jones alone or was it for Bird & Jones.

A) Bird & Jones.

X examined by Harbin

Q) Do you know of any body else smacking these logs out or putting them on the train car.

A) no sir

Attest H. Farmer Exec.

John ^{his} Valentine
 marsh

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Also the deposition of A.P. Hubbard taken at the same time, place and for the same purpose stated in the Caption. Mr Hubbard being a witness of lawful age who after first being duly sworn deposes and says

I am 27 yrs old reside in Knox Co Ky and farming and logging for my occupation.

I am acquainted with the plff. and Def. in this action and have known them both about $1\frac{1}{2}$ years. Last Jan. was a year ago Bird & Jones gave me a contract to train out the remainder of a logging job they had on the Acorn Fork in Knox Co Ky. and I am still training them out. Since my first contract with Bird & Jones Bird sold his interest in said logs to C.S. Harbin and Harbin & Jones employed me to do some work for them than Bird & Jones contract covered. My first contract was that they ^{Bird & Jones} were to give me $.67\frac{1}{2}$ cts per 1000. for training the logs and my contract with Harbin & Jones they were to give me $\$1.07\frac{1}{2}$ cts ^{per 1000} for hauling the logs out of a certain hollow further than the first contract

All the logs were not pitted when I took said contract. After I took the contract Bird & Jones pitted awhile and then Harbin & Jones pitted some, and then Jones moved away and Harbin pitted some himself.

The logs that Harbin pitted himself was on the main trans road. My last contract was in a hollow known as the Flat Hollow, I don't know who skated most of the logs in the Flat hollow.

All the logs in said hollow was not on pits when Jones left the job. I was present when Jones quit and went to Straight Creek and heard the agreement between Harbin and ^{him} they agreed to pit time about. That is for Harbin to pit awhile and then Jones was to come back and pit awhile until all the logs were pitted. ~~Harbin~~ Jones never came back to pit any logs.

Mr Harbin hired me to finish pitting said logs and paid me one yoke of cattle for same and some goods and merchandise. I don't know whether the goods were for the log job or not. I don't know how much the job will come to.

I came to Mr Harbin to buy a yoke of oxen and he told me that he would give me $12\frac{1}{2}^c$ a log for hauling out of one hollow and 15^c per log out of another hollow and sold me the cattle for \$70⁰⁰ to be paid for in hauling said logs. There were the same logs that James had and Harbin had a contract to put in and had not finished the job; Mr Harbin gave me the job of putting all the logs that were left in his and James partnership logs.

When I came up there in Jan 1899, Mr Simon Jones claimed 3 yoke of cattle & 2 ^(large mare mules) mules and a mare and $\frac{1}{2}$ interest in an odd steer. Mr Jones claimed to be a single man at that time. When he moved away from there he took the 2 mules and 2 yoke of cattle and also the mare. he took them to Straight Creek He sold the other yoke of cattle and his $\frac{1}{2}$ interest in the odd steer to O. S. Harbin. He ^{James} was logging on Straight Creek

Mr Jones left the Acorn farm after the 5th of July, 1899. Some time in the fall of 99. I was on Straight Creek where Mr Jones were logging; and he had the same cattle, the same mules and mare, he took with him from the Acorn farm.

Straight Creek where he was logging was in Bell Co. Ky. Mr Jones claimed his home to be at his father's ^{near} ~~at~~ Dincerville Bell Co. Ky. at that time I never heard him claim any other place as his home at that time. Mr Simon Jones has never offered to pay me nor has he paid me any thing whatever for finishing the job of logs left by him and C. S. Harbin on the Acorn Farm.

I am looking to Mr Harbin for my pay if the cattle dont pay for the job. Mr Harbin has never refused to pit the logs so that I could draw them out. I was idle for a while but Mr Harbin finally pitted the logs. While Mr Jones was engaged in this logging job Mr Harbin furnished him with corn and

goods to feed their stock on and such things as he needed and saw them sending orders over to Mr Harbin. Mr Harbin as far as I know always paid off all of Jones' orders.

Cross examined by H Jones.

Q¹ Did you see Mollie Dosier cooking for Mr Jones while he was in said logging job.

A Yes sir

Q² Was this before or after Mollie and Jones were married?

A Both before and after they were married.

Q³ Did you ever hear Mollie Dosier claim the above mentioned mare?

A Yes sir, I have heard her claim her.

Q⁴ Did you ever know of Benson Jones paying C. F. Harbin any money?

A I heard Mr Jones say that he paid Harbin a check.

Cross examined by C. F. Harbin.

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Q Now Mr. Hubbard did you while
the said Mollie Dozier was waiting for
the said Jones know her to come to
the said Harbin's store and getting goods?
A Yes sir I knew of her coming to Harbin's
store and getting goods.

Q Did you know of Mollie Dozier coming
to where Henry Jones were lodging. If so
did she stay there all the time after she
came there.

A No sir she came over there a time
or two and would stay a day or two
before she finally moved over there
A. P. Hubbard

Also the deposition of Emily Smith
taken at the same time and place
and for the same purpose stated in
the caption, the said Emily Smith
being a well known of lawful age and
first being duly sworn deposes and
says.

I am 26 years old reside in Clay Co Ky
and am a farmer by occupation.

I am acquainted with both the Plff C. F. Harbin
and Def Henry Jones in this action and
have been acquainted them about three
years. I heard Mr Jones say that
he owned three yoke of cattle and indent
in an odd steer also two large mare
mules that was on his works and
one mare. I worked for Jones and
C. F. Harbin together. I worked about 1 1/2
days for Mr Jones himself. I cut up corn
for him and Mr Jones gave me an
order to C. F. Harbin in payment and
Mr Harbin paid off the order. The same
day that Mr Jones gave me the order to
Harbin Mr Jones said that he did not
care for expenses when he was out noth-
ing and that he owed Mr Harbin a lot
but did not know whether he would pay
him or not. Mr Jones were drinking
a right smart, in the same conversation
Mr Jones said that he never intended to
pay Mr Harbin for said goods.

I'm. a conversation with Mr Harbin & after I heard Jones say that he would not pay Mr Harbin for the goods I told Harbin that I did not believe that Jones would pay him for the goods.

And Mr Harbin said he was expecting to get the two large mare mules claimed by Jones. Mr Harbin did not say why he was expecting to get the two mules.

Mr Jones always claimed Jmerville Ky as his home.

Cross examined by H. Jones.

Q) When Mr Jones gave you the order you speak of was there any body else present?

A) No body that I knew.

Attest H. H. James Ex. C. C.

Finley ^{his} Smith
man

Also the deposition of Derby Smith taken at the same time and place and for the same purpose stated in the caption Mr Smith being a witness of lawful age and after being first duly sworn deposes and says I

I am 33 years old reside in Clay Co Ky
and am a farmer. by occupation

I am acquainted with both the Plff.
and Def. in this action and have been
acquainted with them about 2 years.

I heard Mr C. F. Harbin say that he
was furnishing Bid & Jones goods to
assist them in a logging in Knox Co. Ky.

I also heard Mr Harbin say that the reason
he was furnishing the good to ~~Bid & Jones~~ ^{man.} that
Jones was a single ~~man~~ ^{man} ~~and to him for the goods~~
and his property was subject to execution
and that he could make the debt out of Jones.

I heard Mr Harbin say that if he had
to make his debt that way he could
make it out of Jones's property he (Jones)
being a single man at that time.

I heard Mr Jones claim two large mace
mules while I was working for him.

Darley Smith

Also the deposition of A. W. Smith taken
at the same time and place and for the
same purpose stated in the caption. A. W. Smith

being a witness of lawful age and after
being duly sworn deposes and says

I am 39 years old reside in Clay County
and am a farmer by occupation.
I am acquainted with C. E. Harbin Hef and
Simon Jones Deft. in this action and have
been acquainted with them about two years
Q¹ During your acquaintance with them have
you known Mr Harbin to furnish Mr Jones
any good corn or any thing else to furnish
him in a logging job in Knox County.
Ans. Yes sir

Q² With what assurance did you hear
Mr Harbin say that he had in fur-
nishing Mr Jones the above stated
good etc?

A) Mr Harbin said that Jones was
an unmarried man and he was not
afraid but what he (Harbin) could make
his money out of Jones' property.

Q³ Do you know whether Mr Jones claimed any

property while logging on Shubling Creek
in West 20, Ky.

A) He claimed two big mules and said
that they were all that he expected to
come out of the logging job with

He ^(Jones) said that he was not expecting to
make anything in the job but if he could
come out with his two big mules he would
not care. I also heard him claim two
yoke of oxen.

at D Smith

I H. F. Farmer Examiner for and in
Clay County Ky do hereby certify that the
foregoing depositions of Tom Powell
John Smith, John Valentine A.D. Smith
Finley Smith Darby Smith and
A.P. Hubbard were duly sworn to
taken and subscribed to before me
at the time and place and for the purpose
stated in the caption mentioned pursuant
to the within annexed notice

Given under my hand this October 10 1900

H. F. Farmer Ex Clay County

Mr Benson Jones.

You will please take notice that on the 9th day of October 1900 at the Store house of A. D. Smith, at Eras, Post office, Clay County Ky, I will proceed to take the depositions of A. P. Hubbard & others, between the hours of 8 o'clock A. M. and 5 o'clock P. M. of that day, which depositions are intended to be read as evidence in my behalf in a certain suit in Chancery now pending in the Circuit Court of Lee County Va wherein I am plaintiff and you are defendant, and if from any cause the taking of said depositions are not commenced on that day, or if commenced are not completed on that day, the taking of the same will be adjourned from time to time and from place to place until completed.

Oct 3rd 1900.

Respectfully
C. L. Darlin.

By Orr & Irvine, his counsel.

C. L. Hardin
vs. Notice
Gen. Jones.

Legal service of
This notice is accept-
ed this 3rd day of
October 1900

C. T. Numan
att'y. for H. Jones

Received by mail in
good condition & filed
Oct 12th 1900

A. B. Munsey
Clerk

Virginia, Lee County, Tourist

I, A.B. Munsey, Clerk of the Circuit Court
for the County aforesaid in the State of Vir-
ginia certify that C. L. Hobbs this day
made oath before me in my said county
and office that Henry Jones is justly indebted
to him in the sum of \$340⁰⁰ with in-
terest from January 11th 1900, that this
claim is believed to be just and affiant
believes he ought to and is entitled to recover
\$340⁰⁰ ~~and~~ at the least with its interest
from January 11th 1900, that said debt is
due & payable & no part thereof has been
paid and that said Henry Jones is
not a resident of Virginia and that he
has estate in Virginia and in the said
County of Lu-

Given under my hand this the 21st
day of August 1900

A.B. Munsey Clerk

C. L. Horbin

vs. { affidavit
for
attachment
Hiram Jones

me
\$360⁰⁰ - on or by the 1st day of January
1899 I promise to pay to Hiram
Jones three hundred and sixty dollars
for value received and for which
I have this day agreed and do here
by give the said Hiram Jones a
lien on the following personal property
to secure the payment of the said
\$360⁰⁰ to wit two yoke of oxen about
nine years old two horses and two ~~horses~~
two mules a cart 7 + Eight years old
a cart 15 1/2 hands high and brown and
the other black it is under stock and
a grain that if the said Hiram Jones
shall well and truly pay off and
and discharge the above amount \$360⁰⁰
to the said Hiram Jones then this note
and paper shall be null and void other
wise to be in full force and effect
witness this ~~December~~ 1st 1898
at St Albans
Robert L. Wainwright
Hiram Jones

Henry Jones

to } note
 } \$360 or

Henry Jones

Lodged for record
June 5th 1899 -

W. J. Davis
By Dr. neat, &c

Exhibit "X" with depo-
sition of Henry Jones

H. L. Woodward

1901-010
Lee Co.

Chancery Causes: Adms. of W. M. Pennington vs Adms. of M. C. Parsons &c
George W. Peters &c vs. George A. Crabtree
Folder 1 of 4

Russell, Jesse, Pridemore, Richmond, Blair, Smith, Duncan,
Nicoll, Ely, Armstrong, Carter, Hall, Yeary, Peters, Kirk,
Sewell, Shelburn, Cecil, Hurst, Spencer, Zion, Graham,
Roop, Poteet, Johnson, Hughes, Garrett, Brown, McNeil,
McLellan, Cook, Witt, Morgan

CA-Debt
T-Property

-Deed

Oversize Box 1:
-List of Property
Taxes